

May 16, 2007

**Introduction**

MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 8-07, Capital Improvements Program – Bicycle and Pedestrian Impacts

Bill 8-07, Capital Improvements Program – Bicycle and Pedestrian Impacts, sponsored by Councilmembers Andrews, Floreen, Leventhal, Praisner, and Trachtenberg, is scheduled to be introduced on May 16, 2007. A public hearing is tentatively scheduled for June 19, at 1:30 p.m.

This bill would require the Office of Management and Budget to submit pedestrian and bicyclist impact statements with certain capital projects in the Capital Improvements Program and authorize the Council to require other County departments and agencies to supplement the impact statements as necessary.

This packet contains:

Bill 8-07

Legislative Request Report

Circle #

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Bill No. 8-07  
Concerning: Capital Improvements  
Program – Bicycle and Pedestrian  
Impacts  
Revised: 5-9-07 Draft No. 3  
Introduced: May 16, 2007  
Expires: November 16, 2008  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Andrews, Floreen, Leventhal, Praisner, and Trachtenberg

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### AN ACT to:

- (1) require the Office of Management and Budget to submit pedestrian and bicyclist impact statements with certain capital projects in the Capital Improvements Program;
- (2) authorize the Council to require other County departments and agencies to supplement the impact statements furnished by the Office of Management and Budget; and
- (3) repeal obsolete provisions, and generally amend County law regarding the analysis of transportation and other capital projects.

### By amending

Montgomery County Code  
Chapter 31, Motor vehicles and traffic.  
Section 31-68

|                              |                                                            |
|------------------------------|------------------------------------------------------------|
| <b>Boldface</b>              | <i>Heading or defined term.</i>                            |
| <u>Underlining</u>           | <i>Added to existing law by original bill.</i>             |
| [Single boldface brackets]   | <i>Deleted from existing law by original bill.</i>         |
| <u>Double underlining</u>    | <i>Added by amendment.</i>                                 |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * *                        | <i>Existing law unaffected by bill.</i>                    |

*The County Council for Montgomery County, Maryland approves the following Act:*

1        **Sec. 1. Section 31-68 is amended as follows:**

2        **31-68. [Executive rules, regulations and orders which were in effect immediately**  
 3        **preceding the effective date of this chapter.] Pedestrian and bicycle safety**  
 4        **impact statements.**

5        [Executive rules, regulations and orders which were in effect immediately  
 6        preceding the effective date of this chapter shall remain in effect, to the extent that  
 7        they are consistent with this chapter, until they are altered, amended or rescinded by  
 8        the county executive.]

9        (a) For each applicable capital project in the Capital Improvements  
 10        Program, the Office of Management and Budget must include in or  
 11        transmit with the CIP an analysis of:

12        (1) the effect of the project on pedestrian and bicyclist access and  
 13        safety in the project and the surrounding area; and

14        (2) what capital or operating modifications, if any, will be required to  
 15        promote and maximize safe pedestrian and bicyclist access to,  
 16        and in the area of, the project.

17        (b) As used in this section, applicable capital project includes:

18        (1) any new or modified building, road, park, school, or other capital  
 19        project which is:

20        (A) proposed for development on a single unified site; and

21        (B) identifiable as a separate facility; and

22        (2) any project that comprises individual subprojects or items if any  
 23        individual subproject or element listed in the project description  
 24        form submitted by OMB, if treated separately, would be covered  
 25        by paragraph (1).

26       (c)   The Council may require any other County department or agency to  
 27           supplement the analysis submitted by the Office of Management and  
 28           Budget.

29       (d)   The Council may by resolution exempt a category of capital projects  
 30           which by their nature do not require an analysis under this Section.

31   *Approved:*

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Marilyn J. Praisner, President, County Council

Date

33   *Approved:*

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Isiah Leggett, County Executive

Date

35   *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

### Bill 8-07, Capital Improvements Program – Bicycle and Pedestrian Impacts

**DESCRIPTION:** Requires the Office of Management and Budget to provide a pedestrian and bicycle impact statement for most capital projects in the Capital Improvements Program.

**PROBLEM:** Decision-makers do not always have in-depth information about pedestrian and bicycle access to many County capital projects.

**GOALS AND OBJECTIVES:** To have comprehensive information about pedestrian and bicycle access and safety for each proposed major capital project.

**COORDINATION:** Office of Management and Budget; Department of Public Works and Transportation

**FISCAL IMPACT:** Office of Management and Budget

**ECONOMIC IMPACT:** n/a

**EVALUATION:** n/a

**EXPERIENCE ELSEWHERE:** n/a

**SOURCE OF INFORMATION:** Michael Faden, Senior Legislative Attorney, 240-777-7905

**APPLICATION WITHIN MUNICIPALITIES:** Applies only to County Capital Improvements Program

**PENALTIES:** n/a